

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
PEDRO HIDALGO,

Plaintiff,

-against-

JO ANNE BARNHART,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.  
-----X

D + f  
c/m

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ June 10 2005 ★

BROOKLYN OFFICE

04-CV-2992 (ERK)

**ORDER**

KORMAN, Chief Judge.

The Commissioner's request for remand for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g) is granted. The decision of the Commissioner is vacated and the case is remanded for compliance with the May 17, 2001 order of the Appeals Council. On remand, the ALJ is instructed to conduct a hearing. Additionally, Carolyn Kubitschek, Esq. is appointed to represent Mr. Hidalgo.

**SO ORDERED:**

Dated: June 7, 2005  
Brooklyn, New York

s/Edward R. Korman  
Edward R. Korman  
United States District Judge